Complaint Concerning Violations of the Freedom of Association and the Right to Collective Bargaining of Civilian Military Employees in the Republic of Korea

Submitted by Korean Public officials' Union (KGEU), State Public Officials' Labour Union (SLU), and Korean Solidarity of Civilian Military Employees (KSCME)
14 August 2026.

1. Introduction

Civilian military employees are non-military public servants who belong to a special service category[1] and perform administrative, technical, logistical, and facilities management duties within units and agencies under the Ministry of National Defence and the armed forces. Because they work in a military environment, they are classified as public officials in special service; however, they maintain civilian status and do not perform the combat and operational functions unique to military personnel. Their legal standing is also expressly distinct from that of military personnel under the State Public Officials Act. Notwithstanding this distinction, civilian military employees are broadly subject to service regulations equivalent to those imposed on military personnel because they serve under the command and supervision of military unit commanders or agency heads.

The Government of the Republic of Korea, without giving sufficient consideration to the differences in the legal status and the nature of work performed by civilian military employees, has: (i) excluded them from the scope of the Act on the Establishment and Operation of Public Officials' Trade unions (hereinafter “Public Officials' Union Act”)[2] and the Act on the Establishment and Operation of Public Officials' Councils (hereinafter “Public Officials' Council Act”)[3], thereby categorically denying their rights to organise and to engage in collective bargaining; (ii) imposed legal restrictions on the collective activities of civilian military employees through criminal penalties under Article 66 of the State Public Officials Act[4] and Article 94 of the Military Criminal Act[5], among other provisions; and (iii) imposed de facto sanctions on the activities of the Korean Solidarity of Civilian Military Employees (KSCME), an organisation that advocates for improved working conditions and legislative reform, through search and seizure operations, prolonged criminal investigations, and prosecution.

The KSCME is a labour organisation independently established in 2022 by civilian military employees to protect their occupational interests and advocate for improved working conditions. In its early stages, the organisation used social media to share grievances and gather opinions on the improvement of working conditions for civilian military employees. In July 2023, it launched a public petition campaign under the National Assembly's public petition system, a petition reaching 50,000 endorsements within 30 days is automatically referred to the competent standing committee, seeking the introduction of legislation titled the Bill on the Guarantee of Fundamental Rights and Improvement of Treatment for Civilian Military Employees. It secured 50,000 signatures and successfully brought the bill before the legislature. The organisation also held meetings with members of the National Assembly's National Defence Committee to request deliberations aimed at advancing the bill's passage. However, the military authorities treated these

[1] a statutory personnel category under the State Public Officials Act covering judges, diplomats, police, firefighters, educators, military personnel, and civilian military employees, as distinguished from 'general service' civil servants
[2] Korean Law Information Center https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor5
[3] Korean Law Information Center https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor4
[4] Korean Law Information Center https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor5
[5] Korean Law Information Center https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor46

activities as grounds for conducting two search and seizure operations against Son Dong-hwa, the head of the KSCME, on charges of political involvement (a criminal offense under Article 65 of the State Public Officials Act and Article 94 of the Military Criminal Act, broadly covering partisan political activity by public officials — see Section 5.2 below) and divulgence of military secrets. By sustaining a prolonged criminal investigation, the authorities have continued to constrain the organisation's collective activities.

When then-incumbent President of the Republic of Korea Yoon Suk-yeol unlawfully declared martial law on December 3, 2024, civilian military employees were also subject to emergency military mobilization and were forcibly drawn into the insurrection. In the period leading up to that event, military authorities had been improperly ordering civilian military employees to perform duties inherently belonging to military personnel, such as firearms training, citing personnel shortages within the armed forces. The alarming situation in which civilian military employees were forcibly mobilized under military orders during the December 3 insurrection served as a stark reminder that what is needed goes beyond mere improvements to working conditions and welfare; it underscored the urgent need for legal protections appropriate to their civilian status.

In response, the KSCME formally commenced its operations through a founding press conference on February 10, 2025, and publicly began calling for legislation to guarantee civilian military employees' rights to organise and bargain collectively, as well as policy reforms to improve their working conditions.[6] Subsequantly, in April 2026, the Ministry of National Defense filed charges against Son Dong-hwa, the head of the KSCME, initiating trial proceedings before a military court. Given that this action came abruptly more than three years after the investigation was first opened, and immediately after the KSCME had begun actively asserting its members' fundamental labour rights, it constitutes a measure that effectively suppresses the collective efforts of civilian military employees to secure those rights.[7]

This not only runs counter to the spirit of ILO Conventions Nos 87, 98, and 111, but also conflicts with the principles of freedom of association that the ILO Committee on Freedom of Association (CFA) has repeatedly affirmed in its conclusions and recommendations to the Government of the Republic of Korea, including through Case No. 1865. Although the Government of the Republic of Korea ratified Conventions Nos 87 and 98 in April 2021, no meaningful institutional reforms have been undertaken to date to protect the freedom of association and the right to organise of civilian military employees.

This complaint has been prepared to place the foregoing facts before the CFA and to request that the CFA investigate and issue recommendations concerning violations of freedom of association and the right to organise affecting civilian military employees.

2. The Need to Guarantee Freedom of Association and Collective Bargaining Rights for Civilian Military Employees

2.1. Legal Status of Civilian Military Employees

Article 33 of the Constitution of the Republic of Korea guarantees workers' three fundamental labour rights (the right to organize, the right to collective bargaining, and the right to collective action, including the right to strike), but provides that, for workers who are public officials, those rights shall be recognised only for "persons prescribed by law." Accordingly, public officials are generally afforded fundamental labour rights through the Public Officials' Union Act and the Public Officials' Council Act. Civilian military employees, however, are excluded from the scope of both statutes and, as a result, possess neither the right to establish or join a trade union nor any legal mechanism through which to collectively negotiate working conditions and grievances through a workplace council. Specifically, Article 6(1) of the Public Officials'

[6] The Labour Today, February 10, 2025 https://www.labourtoday.co.kr/news/articleView.html?idxno=226156
[7] Public Officials U Newspaper, April 20, 2026 https://www.upublic.co.kr/news/articleView.html?idxno=20057

Union Act limits union membership eligibility among public officials in special service to those in foreign service, firefighting, and public education, thereby excluding civilian military employees. Similarly, Article 3(1) of the Public Officials' Council Act does not include civilian military employees within its membership scope.

At the same time, civilian military employees, as public officials under the State Public Officials Act, are subject to the provision prohibiting “collective acts for labour movements or other activities unrelated to official duties” under Article 66 of that Act. Violations are subject to criminal punishment under Article 84-2. Furthermore, Article 1(3)(1) of the Military Criminal Act provides that the Act shall also apply to civilian military employees as it does to military personnel. As a result, when civilian military employees share information with one another or jointly submit petitions or express opinions for the purpose of improving their treatment and working conditions, they face the risk of criminal punishment not only for violations of the State Public Officials Act, but also for offenses under the Military Criminal Act, including political involvement under Article 94 or divulgence of military secrets under Article 80. Ultimately, in the Republic of Korea, civilian military employees, as public officials, bear obligations and are subject to sanctions at a level exceeding those imposed on ordinary workers, while simultaneously being denied the fundamental labour rights guaranteed to other public officials. Moreover, despite not holding military status, they remain subject to the same military criminal sanctions and regulations as military personnel in the course of performing their duties.

However, the status of civilian military employees is distinct from that of military personnel. While Article 2(2)(2) of the State Public Officials Act classifies both military personnel and civilian military employees as public officials in special service, Article 4(1) of the Act on the Organisation of the Republic of Korea Armed Forces[8] defines military personnel as “persons who serve the Armed Forces in time of war as well as in time of peace,” and Article 16(1) of the same Act provides that “civilian employees shall be installed at the Republic of Korea Armed Forces in addition to soldiers,” thereby making clear that civilian military employees are not members of the armed forces. Article 16(2) further provides that matters concerning the qualifications, appointment and dismissal, rendition of services, and status of civilian military employees shall be governed by separate legislation. Accordingly, civilian military employees are subject to the Act on the Personnel Management of Civilian Military Employee, which is distinct from the laws governing military personnel.[9]

The Constitutional Court of Korea has likewise recognised that military personnel are primarily responsible for combat, operations, training, and command duties, whereas civilian military employees are civilian personnel responsible for duties requiring continuity and expertise in areas such as logistics support, including maintenance, supply, and transportation, as well as administrative work and certain areas of combat support.[10] The court further held that, although both military personnel and civilian military employees are public officials in special service comprising the armed forces, separate personnel management frameworks must be maintained for each, given that “their respective responsibilities, duties, status, and working conditions differ.”

Accordingly, although civilian military employees belong to the military organisation, they remain civilian public officials and cannot be regarded as military personnel falling within the exception provided under Article 9 of ILO Convention No. 87. It follows that they must be guaranteed the freedom of association and the right to organise trade unions under Convention No. 87 without discrimination of any kind. Yet the current laws and regulations of the Republic of Korea fail entirely to incorporate this principle. Article 3(3) of the Framework Act on Military Status and Service stipulates that the Act shall also apply to civilian military

[8] Korean Law Information Center
https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor4
[9] Korean Law Information Center
https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=PUBLIC+OFFICIAL&x=0&y=0#liBgcolor0
[10] Constitutional Court of Korea, Full Bench Decision, June 26, 2008, 2005Hun-Ma1275
https://www.law.go.kr/LSW/detcInfoP.do?mode=2&detcSeq=129939

employees, and accordingly extends the application of the Military Criminal Act to them. Consequently, civilian military employees, despite not holding military status in legal terms, remain subjected to the same service discipline and control as military personnel and, in cases of work-related violations, are brought before military courts.

2.2. Military Orders and Service Control Imposed on Civilian Military Employees

Although civilian military employees are not military personnel whose essential duties involve combat and operational missions, they have in practice been continuously assigned duties that properly belong to military personnel and have been subject to service controls equivalent to those imposed on military personnel. Nevertheless, civilian military employees are not guaranteed freedom of association or collective bargaining rights through which they could collectively object to such practices and demand improvements. Consequently, individual civilian military employees are unable to respond collectively to unjust or excessive orders and are left with no choice but to bear the risk of disciplinary action for failure to follow orders or for violations of military discipline.

2.2.1. Duties and Training Proper to Military Personnel Being Imposed on Civilian Military Employees

First, there have been repeated instances in which civilian military employees have been issued firearms, military uniforms, and military equipment, or required to perform duties during duty shifts that should be handled by military personnel or to participate in combat training. Article 51(2) of the Enforcement Decree of the Act on the Personnel Management of Civilian Military Employees states that “the Minister of National Defence or the Chief of Staff of each branch of the armed forces may, in consideration of duties in wartime and peacetime, issue civilian military employees in general service with clothing such as duty uniforms and military uniforms, or military supplies, and require them to wear or use such items.” This provision is being abused as a basis for ordering civilian military employees to wear equipment and participate in training equivalent to that required of military personnel, despite such requirements having no relation to the actual duties assigned to them.

Second, Article 50(1) of the Enforcement Decree of the Act on the Personnel Management of Civilian Military Employees defines the purpose of duty shifts for civilian military employees as “guarding against fire, theft, or other incidents, handling documents, and maintaining work-related communication.” This scope should generally be limited to accident prevention and routine administrative tasks performed outside regular working hours, consistent with the level of duty-shift work assigned to ordinary public officials. In practice, however, civilian military employees serving as duty officers have repeatedly been ordered to conduct troop roll calls, oversee drill formations, carry out military discipline patrols, and provide training related to firearms and ammunition. These duties constitute “special duty” under Article 37 of the Enforcement Decree of the Framework Act on Military Status and Service, which military personnel are required to perform. Assigning such duties to civilian military employees amounts to the imposition of inherently military obligations that fall outside the designated scope of duty shifts applicable to civilian military employees.

* Unit designations are anonymized as '00' to protect the identity of the specific military unit

Category	**Year**	**Institution**	**Details**
Issuance of firearms, military uniforms, and military equipment	December 14, 2021	36th Infantry Division	- Conducted video-simulated target shooting training and personal firearms training as part of collective training for newly appointed civilian military employees.

	April 2022	Army	- Issued an internal document concerning the reorganisation of civilian military employees, stating that firearms would be issued to civilian military employees beginning in 2025.
	2023	Unit 00	- Ordered the issuance of military equipment to civilian military employees and directed them to participate in the 2023 winter military training exercise.
		Air Force Education and Training Command	- Ordered the issuance of firearms in connection with Freedom Shield[11].
Assignment of military duties during duty shifts	September 7, 2022	Army 00 Supply Battalion	- The battalion commander, lieutenant colonel, ordered civilian military employees serving as duty officers to control troop formation, manage ammunition, supervise the morning PT run, and render salutes to the duty command during morning roll call.
	2023 to present	Brigades under the 1st, 2nd, 3rd, and 5th Corps	- Assigned personnel to nighttime duty shifts within units without distinction between military personnel and civilian military employees, thereby requiring civilian military employees to perform the same duties as those carried out by military personnel.
		All armed forces and units	- From senior duty commanders at the Army Headquarters level to unit duty commanders, duty officers, assistant duty officers, guard officers, and sentry posts, no distinction has been made between military personnel and civilian military employees when assigning such duties.
		Subordinate and aviation units of the Army Logistics Command	- Assigned civilian military employees to guard officers' duties requiring them to carry gas guns.
		Unit 00	- Required civilian military employees serving in administrative roles to wear counterterrorism unit special uniforms while on guard duty.

[11] An annual, large-scale combined and joint military exercise conducted by the Republic of Korea (ROK) and the United States.

		Unit 00	- Ordered civilian military employee duty officers to personally issue ammunition to sentries.
		Intranet notice	- Provide firearms and ammunition training for civilian military employee duty officers.
Assignment of duties identical to those of combat personnel during various military training exercises	2019	Units under the 5th Logistics Support Command	- Ordered civilian military employees to participate in ranger training.
	2020	Capital Mechanized Infantry Division	- Issued a directive requiring civilian military employees to participate mandatorily in marching exercises, enforced through points, incentives, and unit evaluation systems.
	Novemb er 2021	Marine Corps Headquarters	- Conducted marine training for newly appointed civilian military employees, including amphibious landing training, mountain training, maritime assault training, and the Cheonjabong March which constitutes the final march of Marine Corps recruit training.
	Decemb er 14, 2021	36th Infantry Division	- Conducted video-simulated target shooting training and personal firearms training as part of collective training for newly appointed civilian military employees.
	February 2022	Subordinate battalions of the Army 1st Logistics Support Command, 6th Logistics Support Group	- During a nighttime winter exercise, civilian military employees were deployed to operational areas, required to form into cross formations, and assigned to suspect capture training.
	February 2022; January 2023	Subordinate battalions of the Army 1st Logistics Support Command, 6th Logistics Support Group	- Civilian military employees were forcibly mobilized for large tent assembly under the pretext of winter training.
	January 2023	Units under Army 1st Corps	- Ordered civilian military employees to perform rear-guard duties during marches under the pretext of training safety control, a role previously carried out by enlisted soldiers (staff

			sergeant), thereby effectively compelling them to participate in military training.
	2023	Army	- Issued educational materials stating that participation in annual military training conducted by the Army was mandatory for civilian military employees.
	March 2026	Subordinate unit of the Army 1st Logistics Support Command	- Mobilized civilian military employees for military training exercises (currently implemented across all branches of the armed forces). - Required civilian military employees to wear combat helmets and full combat gear and to perform covering fire roles.
Emergency recall	December 3, 2023		- Issued a directive to mobilize civilian military employees to their units on the day martial law was unlawfully declared.

Recently, the trend of mobilizing civilian military employees for combat-related duties as though they were military personnel has intensified. In 2026, units under the Army's 1st Logistics Support Command ordered civilian military employees to wear combat helmets and full combat gear and to perform covering fire roles during Tactical Combat Casualty Care (TCCC) training conducted as part of a combined U.S.-Korea military exercise, as attested by witness testimony.[12] This demonstrates that civilian military employees are being utilized not in their designated capacity as noncombat administrative and logistics support public officials, but effectively as combat support military personnel deployed to fill gaps caused by troop shortages.

2.2.2. Broad Application of Service Controls Similar to Those Imposed on Military Personnel

Measures such as hair length regulations, physical fitness tests, and military discipline patrols bear no direct relation to the performance of civilian military employees' actual duties, and their application to performance evaluations or personnel management decisions is therefore inappropriate. Nevertheless, not only have these measures been incorporated into the performance evaluation criteria applicable to civilian military employees, but non-compliance is also subject to disciplinary action. Solely on the basis that they work within a military institution, civilian military employees are unilaterally held to standards and controls equivalent to those imposed on military personnel, without regard to the nature or requirements of their actual duties.

First, civilian military employees are being compelled to comply with the same hair length standards applied to military personnel. Even when civilian military employees maintain neat and tidy hairstyles, Army, Navy, and Air Force regulations uniformly impose on them the “standard officer cut” prescribed for military officers. Article 14(3) of Army Regulation No. 120 (Barracks Life Regulations) requires male civilian military employees to “cut their hair in the standard officer style, such that the hair on the sides does not touch the ears and the hair at the back does not touch the collar,” and disciplinary measures are imposed on civilian military employees who violate this standard. It is questionable whether any legal basis or justification exists for applying the same hair standards to civilian military employees as to military personnel. Moreover, the

[12] Impeter News, April 2, 2026 https://www.impeternews.com/news/articleView.html?idxno=62367

fact that these outdated provisions, which are not even enforced against military personnel themselves, are being applied as a means of regulating the conduct of civilian military employees plainly illustrates the gap between the legal status of civilian military employees and the reality they face.

In 2023 and 2025, the Ministry of National Defense applied hair length standards equivalent to those imposed on military personnel to civilian military employees who already maintained neat hairstyles, ordered them to cut their hair shorter, and imposed punitive training and salary-reduction disciplinary measures on the ground that their hairstyles did not comply with the applicable regulations. In 2025, the Civilian Military Employee Appeals Review Committee reduced a two-month salary reduction imposed on one civilian military employee, Mr. Lee, to a one-month salary reduction,[13] and in 2026, a two-month salary reduction imposed on another civilian military employee, Mr. Hwang, was similarly reduced to a reprimand.[14] Notwithstanding these reductions on appeal, the affected employees remained subject to disciplinary measures that resulted in adverse impacts on promotion reviews over a considerable period and restrictions on pay step increases. Furthermore, following media coverage in December 2025 criticizing these disciplinary cases, the Navy and Air Force responded by issuing directives emphasizing strict compliance with hair regulations, demonstrating that excessive enforcement of hair length standards against civilian military employees continues unabated.

Second, the Ministry of National Defense, through its Directive on Unit Management, designates civilian military employees, in addition to military personnel, as subjects of physical fitness testing (Article 381) and requires that such testing be conducted annually (Article 382(1)). In particular, Article 382(2) provides that test results shall be incorporated in promotion reviews for civilian military employees. This is particularly significant given that civilian military employees are public officials for whom physical fitness is not a hiring requirement, precisely because their duties do not demand the same level of physical fitness as those of military personnel. Nevertheless, the Ministry subjects civilian military employees, without regard to their actual duties, to the same physical fitness testing, combat fitness training, and combat capability assessments as military personnel. Although the Ministry has characterized this as “a measure for personal health and fitness management,” in practice many military units record physical fitness test results on personnel record cards, and failure to complete testing or to meet prescribed fitness standards results in disadvantages in performance bonus payments or personnel sanctions such as written warnings or referral to disciplinary committees. Physical fitness testing of this nature, carrying the possibility of adversely affecting promotion reviews or triggering disciplinary action, bears the character of a service control mechanism that imposes tangible personnel disadvantages and sanctions on civilian military employees.

Third, civilian military employees are subject to controls comparable to those imposed on military personnel through military discipline patrols. The Ministry of National Defense Directive on Unit Management (Annex 1-2) includes civilian military employees, alongside military personnel, as subjects of military discipline enforcement for the purposes of military discipline patrols. Civilian military employees are incorporated into the organisation of both military police discipline patrol units and unit-level military discipline patrol units. Because these organisations are tasked with detecting violations of military discipline by service members and others, civilian military employees are in effect required to carry out military discipline patrol duties over military personnel. Furthermore, civilian military employees, like ordinary service members, are included among those whose compliance with basic military discipline is inspected at unit entry and exit points such as the main gate, during periods of high personnel movement, thereby subjecting them in practice to the same service controls as military personnel.

Category	Year	Person/Institution	Details

[13] Public Times, November 13, 2025 https://www.public25.com/news/articleView.html?idxno=33612; The Korea Economic Daily, May 1, 2026 https://n.news.naver.com/article/015/0005282182

[14] MBC, May 7, 2026 https://n.news.naver.com/article/214/0001497331

Enforcement of hair regulations	September 2025	Mr. Hwang	- Following repeated orders to comply with military-equivalent hair standards, a two-month salary reduction was imposed for non-compliance. - On April 24, 2026, the Civilian Military Employee Appeals Review Committee reduced the original disposition to a reprimand, which nonetheless continues to adversely affect promotion reviews and pay step increases.
	November 2025	Mr. Lee	- Following repeated orders and training sessions requiring compliance with military-equivalent hair standards, a two-month salary reduction was imposed. - In April 2026, the Civilian Military Employee Appeal Review Committee reduced the original disposition to a one-month salary reduction, which nonetheless continues to adversely affect promotion reviews and pay step increases.
Compulsory physical fitness testing and combat physical training		Units under the 1st Logistics Support Command, 6th Logistics Support Group	- Ordered approximately 90 civilian military employees to assemble in front of the reviewing stand and compelled them to participate in military calisthenics and running during combat physical training sessions. (Combat physical training is intensive weekly training designed to build the robust physical conditioning required of soldiers in the field, encompassing basic fitness exercises such as 3-kilometer double-time marching, push-ups, and sit-ups, as well as combat fitness training including trench fighting, ammunition transport, and similar drills conducted under the Combat Fitness for Strong Army programme.) - Participation in combat physical training was enforced by incorporating it as a criterion in performance bonus evaluations.
		5th Corps, 31st Division, 56th Division (Capital Defense Command)	- Failed to implement the Army Human Rights Protection Center's request to issue an official directive to each unit prohibiting combat circuit training for civilian military employees. (Combat circuit training is a complex, high-intensity circuit training programme designed to strengthen combat fitness, requiring participants to continuously perform six to seven high-intensity movements, such as sprints, within a 60-meter section in two minutes and fifteen seconds.) - The 5th Corps instead expanded battlefield circuit training for civilian military employees.

		Missile Defense Command	- Ordered compulsory physical fitness training for civilian military employees.
	2024 2025	Navy	- Recorded physical fitness test results on personnel record cards; cumulative failures to attend set as the threshold for written warnings or referral to disciplinary committees.
		1st Logistics Support Command	- Included civilian military employees among those subject to combat capability assessments.
		Subordinate battalions of 6th Logistics Support Group	- Ordered civilian military employees to participate in training designed for general enlisted soldiers, covering mental and morale training, combat casualty care training, nuclear and chemical defense training, and signal corps duties, none of which are required by even active-duty military officers.
	Post-2023	All armed forces and units	- Civilian military employees are subject to the unit combat capability evaluation and are assessed on four of the five applicable indicators, specifically the physical fitness test, mental combat readiness assessment (e.g., anti-North Korea ideological education), unit training level, and wartime support level, with marksmanship being the sole indicator from which they are excluded. Their combat capability scores are incorporated into unit commanders' promotion reviews.
	2023	Armed Forces Yangju Hospital	- Included civilian military employees in the baseline combat readiness plan, requiring them to undergo physical fitness assessments, mental combat readiness evaluations, and competency assessments.
		Air Force (5th Air Mobility Wing)	- Referral to the disciplinary committee upon two or more missed physical fitness tests. - Performance bonus penalty for failing physical fitness tests. - Imposed warning-level disciplinary measures on activists belonging to the KSCME, specifically Son Dong-hwa, the head of the KSCME, and two others, who had raised concerns regarding physical fitness tests for civilian military employees; assigned them low performance ratings; and denied them performance bonuses.

		51st Logistics Support Group	- Referral to the disciplinary committee upon two consecutive missed physical fitness tests or three consecutive failures.
Subject to military discipline patrols			- Civilian military employees are subject to inspection by military discipline patrol duty officers or military police discipline patrol units for violations of military discipline alongside enlisted personnel, including inspections for compliance with basic military discipline at unit main gates and during peak hours of personnel movement.
Punitive military discipline training	January 2023	Army 00 Division	- Ordered disciplinary training at the Military Discipline Training Unit for a civilian military employee without any legal basis, solely on the grounds that the employee was a senior passenger in a vehicle involved in a traffic accident caused by the military driver.[15]

As the foregoing demonstrates, civilian military employees are, in practice, required to perform duties of a military nature and comply with service controls equivalent to those imposed on military personnel. This occurs notwithstanding their status as civilian public officials legally distinct from military personnel, because they work under the command and supervision of military personnel within military units. However, the collective activities through which civilian military employees might independently address these conditions and advance their occupational interests are structurally foreclosed. As a result, they are unable to secure the legal protections to which their civilian status entitles them and continue to suffer recurring disadvantages arising from unreasonable duty assignments and working conditions.[16]

2.3. Discriminatory Treatment of Civilian Military Employees and Gaps in Welfare Protection

While civilian military employees are subject to obligations and controls comparable to those imposed on military personnel, they are, in many respects, excluded from the protections and welfare benefits available to either military personnel or other public officials. In other words, civilian military employees are required to meet a standard of duty equivalent to that of military personnel with respect to their service obligations, yet are denied the benefits and welfare entitlements provided to military personnel. At the same time, they fall outside the protections ordinarily guaranteed to public officials under established employment and welfare frameworks.

First, the exclusion of female civilian military employees from the military's maternity protection and welfare programmes is a prime example of this issue. Female civilian military employees work in an environment identical to that of female soldiers: they serve within military organisations, and their access to maternity protection facilities is limited by the predominantly male composition of military units. Yet civilian military employees are excluded from maternity protection programmes available to female soldiers, including basic coverage for obstetrics and gynecological care costs.

Under the Military Health and Medical Services Act,[17] both military personnel and civilian military employees are entitled to use military healthcare facilities. The Ministry of National Defense also provides partial coverage of outpatient and inpatient medical expenses incurred at civilian medical institutions for

[15] Kyunghyang Shinmun, February 1, 2023 https://n.news.naver.com/article/032/0003202308
[16] Asia Today, July 23, 2024 https://www.asiatoday.co.kr/kn/view.php?key=20240722010013935
[17] https://elaw.klri.re.kr/eng_service/lawViewContent.do?hseq=69823

military personnel under Article 39 of the Ministry of National Defense Military Patient Management Directive. Military healthcare facilities currently offer only limited obstetrics and gynecological services and are entirely without delivery rooms or newborn care units.[18] Consequently, both female soldiers and female civilian military employees who require healthcare services for gynecological conditions, pregnancy, childbirth, or other maternity-related needs have no choice but to seek care at civilian medical institutions.

To address this disparity, the Ministry of National Defense established a basis for covering obstetrics and gynecological care costs, but this coverage is guaranteed only for female soldiers (Article 39-5 of the Military Patient Management Directive). Female civilian military employees receive no such support, even when they work within the same organisation under the Ministry of National Defense or the same military unit.

Other government agencies also provide maternity protection support programmes for their civil servants. For example, the Ministry of Employment and Labour and the Ministry of the Interior and Safety provide coverage for prenatal and fetal check-up costs for their employees, and the Ministry of Justice provides up to one million KRW per year for fertility treatment. Yet no other government agency outside the Ministry of National Defense applies maternity protection support programmes in a manner that differentiates among, or excludes, public officials within the same organisation on the basis of occupational series or grade. Ultimately, although female civilian military employees are classified as special-service public officials in the same broad category as female soldiers, they are subjected to a double layer of discrimination solely because they do not hold military status.

Second, discrimination exists between military personnel and civilian military employees with respect to their children's educational rights in connection with changes of duty assignment. Article 11 of the Framework Act on Military Welfare safeguards the educational rights of military personnel's children by permitting admission to schools beyond the regular enrolment quota, in recognition of the particular hardships arising from frequent unit transfers and postings to remote areas. This accommodation, however, does not extend to the children of civilian military employees serving in the same units. Consequently, civilian military employees whose children cannot secure admission to a school near their assigned unit or quarters due to enrolment constraints are left to bear burdens that their military counterparts are not, including relocating to areas served by accessible schools and commuting long distances, living apart from their families, or enrolling their children in schools situated far from unit-provided housing.[19]

2.4. Interim Summary

As consistently affirmed through the provisions of the State Public Officials Act and the Act on the Organisation of the Republic of Korea Armed Forces, as well as through decisions of the Constitutional Court, civilian military employees hold the legal status of civilian public officials distinct from military personnel. Notwithstanding this established legal status, the Government of the Republic of Korea has imposed unjust working conditions on civilian military employees by ordering them to perform military duties properly belonging to military personnel and by subjecting them to service controls equivalent to those imposed on soldiers, both of which exceed the bounds of their legal status and the nature of their duties. Furthermore, civilian military employees are required to assume obligations and comply with controls equivalent to those imposed on military personnel on the basis that they work within the military, yet are not entitled to the guarantees and protections afforded to military personnel or to civil servants in other government agencies with respect to access to military facilities and welfare benefits.

For these reasons, civilian military employees have a particularly pressing need for the right to organise a labour association and to engage in collective bargaining in order to improve their working conditions and advance their occupational interests. Yet, on the grounds that they work within a military organisation,

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[18] Seoul Economic Daily, April 23, 2026 https://v.daum.net/v/HRJZ3KIkCX

[19] TV Chosun report, May 1, 2026 https://n.news.naver.com/article/448/0000608243

civilian military employees are completely denied freedom of association, the right to collective bargaining, and all forms of collective consultation, notwithstanding the fact that they are not military personnel and that other public officials are fully afforded these rights. As a result, while the working conditions and service regulations of civilian military employees are determined and controlled unilaterally by the state, any collective activity, including the sharing of grievances or the gathering of members to exchange views on improving working conditions, may be dissolved on grounds of political activity or the operation of unauthorized private organisations within the military, or may result in disciplinary measures and military criminal sanctions for violations of the duty to maintain military confidentiality or for failure to comply with military orders and directives. Civilian military employees are thus severely restricted from engaging in even the most basic collective activities to advance their occupational interests.

3. Violations of the Freedom of Association and the Right to Organise of Civilian Military Employees

3.1. Freedom of Association and the Right to Organise under ILO Convention No. 87

Article 2 of ILO Convention No. 87 provides that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.” Article 9 of the Convention permits the scope of application of the Convention to differ with respect to the armed forces and the police; however, as this constitutes an exception to the general principle set out in Article 2, it must be interpreted restrictively. Whether a particular group of workers falls outside the protection of Article 2 of Convention No. 87 must therefore be assessed with care, and it should not be presumed that a worker falls within the Article 9 exception merely because the worker belongs to a military organisation.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has interpreted the guarantees under Article 2 of Convention No. 87 as applying not only to private-sector workers, but also to public-sector workers. It has accordingly noted that certain Korean laws denying public officials freedom of association or restricting their right to join organisations of their own choosing constitutes violations of the Convention [ILO, “Freedom of Association and Collective Bargaining: General Survey of the Committee of Experts on the Application of Conventions and Recommendations,” Report III (4B), International Labour Conference, 81st Session, 1994, para. 86]. In particular, the CEACR has stated that only members of the armed forces and police may be excluded from Convention No. 87 protections, and has set forth the interpretive standard that, where there is doubt as to whether persons working in military facilities or military-related institutions are members of the armed forces or civilians, they should be regarded as civilians [ILO, General Survey, 1994, paras. 55, 56].

The CFA has likewise emphasized that Convention No. 87 applies to all workers “without distinction whatsoever,” and that workers employed by the state and those engaged in public administration must also enjoy the right to establish organisations of their own choosing [ILO, Compilation of decisions of the Committee on Freedom of Association, 6th edition, 2018, paras. 334-336]. The CFA has expressed the view that the members of the armed forces who may be excluded from the application of Convention No. 87 must be defined restrictively [ILO, Compilation, 2018, para. 344.], and Article 9 merely permits each member state to determine the extent to which the rights guaranteed by the Convention apply to the armed forces and the police; it does not provide for the complete exclusion of military personnel and police from those rights, nor does it allow member states to arbitrarily define the scope of the military personnel and police to whom the exclusion under Article 9 applies [ILO, Compilation, 2018, para. 345]. The CFA has accordingly expressed the view that civilian workers employed in the armed forces are entitled to organise trade unions and that, where doubt exists, such workers should generally be treated as civilians [ILO, Compilation, 2018, para. 347].

More specifically, the CEACR has recommended that civilians working in “industrial establishments” affiliated with the armed forces, such as manufacturing plants, maintenance depots, and supply depots, are

not military personnel and therefore should be entitled to the right to organise [ILO, “Giving Globalization a Human Face,” International Labour Conference, 101st Session, 2012, para. 67, n. 93; Nigeria, CEACR, observation, 2011; Türkiye, CEACR, observation, 2010]. It has further emphasized that employees of intelligence agencies handling state secrets, or staff of legislative bodies, must not have their right to organise restricted unless they hold the status of military personnel or police officers [ILO, General Survey, 2012, para. 67, nn. 94-95; Czech Republic, CEACR, direct request, 2011; Cambodia, CEACR, direct request, 2011; United Republic of Tanzania (Zanzibar), CEACR, observation, 2011]. The CEACR has also confirmed that workers should not be treated as members of the armed forces or the police, and thereby deprived of the right to organise, merely because they carry weapons in the course of performing their duties; even if they perform security duties for state facilities, they must enjoy the right to organise trade unions unless they are members of the armed forces or the police [ILO, General Survey, 2012, para. 67, n. 99; Pakistan, CEACR, observation, 2010].

The Conference Committee on the Application of Standards (CAS) has, through individual cases addressed at the International Labour Conference, issued decisions providing concrete and clear guidance on the application of Article 9 of Convention No. 87. Most notably, in a case concerning measures that obstructed the establishment of and membership in trade unions, pressured employees to relinquish their union membership, and imposed adverse employment consequences, including dismissal, on civilian public officials at the Government Communications Headquarters (GCHQ), a United Kingdom agency responsible for national security and classified military intelligence, the CAS held that such circumstances alone are insufficient to justify treating public officials as military personnel for purposes of the exception under Article 9 of Convention No. 87, even where those employees work alongside military personnel or handle classified information as part of an intelligence system integrated with the armed forces [Individual Case (CAS), United Kingdom of Great Britain and Northern Ireland, 82nd ILC Session (1995)]. Furthermore, with respect to Article 15 of Turkey's Public Officials' Union Act, which categorically prohibits civilian public officials serving under the Ministry of Defense and military commands from joining trade unions, the CAS determined that denying civilian public officials the right to organise on the sole basis that they work within a military organisation, by treating them as military personnel, constitutes a violation of the Convention, and recommended amendments to the Public Officials' Union Act in 2002 and again in 2006 [Individual Case (CAS), Türkiye, 112th ILC Session (2024)].

The CFA has similarly held that civilian workers employed in the manufacturing facilities of the armed forces, or in services of the armed forces, should be free to form trade unions [ILO, Compilation, 2018, paras. 348-350]. The CFA has further determined that even civilians who are essential members of an integrated military system, such as those employed in military arms factories and subject to military command and control as part of that system, cannot be regarded as military personnel for purposes of the exception under Article 9 of Convention No. 87 [CFA, 238th Report, Case No. 1279 (1985), paras. 139-140 (Portugal)]. The CFA has taken a consistent approach with respect to prison guards, expressing the view that prison guards, even if authorized to carry weapons in the performance of their duties, cannot be considered police officers unless they perform the functions of the judicial police and should accordingly be guaranteed the right to organise and to bargain collectively without discrimination [CFA, 386th Report, Case No. 2177 (2002), para. 420 (Japan); cited in ILO, Compilation, 2018].

3.2. Application of Convention No. 87 to Civilian Military Employees

In The Republic of Korea, both military personnel and civilian military employees are public officials in special service employed by the Ministry of National Defense under the State Public Officials Act; however, the Act on the Organisation of the Republic of Korea Armed Forces provides that “the armed forces shall have civilian military employees in addition to military personnel,” thereby conferring on civilian military employees the civilian status distinct from military personnel. The Constitutional Court of Korea has likewise recognised that military personnel are primarily responsible for combat, operations, training, and command duties, whereas civilian military employees are civilian personnel responsible for duties requiring continuity and expertise in areas such as logistics support, including maintenance, supply, and transportation, as well

as administrative work and certain areas of combat support, and determined that separate personnel management frameworks must be maintained for each group, given that “their respective responsibilities, duties, status, and working conditions differ.” Civilian military employees are therefore not military personnel and do not fall within the category of members of the armed forces excluded from the application of ILO Convention No. 87 under Article 9, notwithstanding their affiliation with a military organisation and the performance of their duties within it. They must accordingly be guaranteed the full enjoyment of freedom of association and the right to organise trade unions under the Convention, without discrimination of any kind, on the same basis as all other workers in both the private and public sectors.

3.3. Violation of the Right to Organise under Article 2 of Convention No. 87

Article 33 of the Constitution of the Republic of Korea provides that the fundamental labour rights of public officials shall be recognised only for those persons designated by law, and excludes civilian military employees, as public officials in special service, from eligibility for trade union membership under the Public Officials' Union Act and from the establishment of workplace councils under the Public Officials' Council Act. Consequently, civilian military employees are prohibited from establishing or joining any organisation for the advancement of their occupational interests and are afforded no institutional mechanism through which they may collectively form and express opinions regarding their working conditions and treatment. This constitutes a complete denial of the right of civilian military employees to organise trade unions as guaranteed by Article 2 of Convention No. 87 and, given that civilian military employees are civilian public officials and not military personnel, amounts to a direct violation of that provision.

In particular, in Case No. 1865, concerning the Government of the Republic of Korea's practice of permitting public officials and teachers to form workplace councils while failing to guarantee the right to organise trade unions, the CFA found that the mere possibility of establishing an employee association does not satisfy the principles of freedom of association, given that such associations are not trade unions in the true sense of the term, as they are not responsible for defending and promoting the interests of their members. [CFA, 307th Report, Case No. 1865 (1997), paras. 211-212 (Korea).] The CFA further noted that denying public sector employees the right to establish trade unions constitutes discrimination against government-employed workers and their organisations, in that their “councils” do not enjoy the same advantages and privileges as “trade unions.” [CFA, 309th Report, Case No. 1865 (1998), para. 145 (Korea).]

Accordingly, the categorical exclusion of civilian military employees from the right to organise trade unions not only constitutes a violation of Article 2 of Convention No. 87, but also infringes the right to organise that must be guaranteed to all workers without distinction of any kind, and therefore amounts to discrimination in employment and occupation in violation of Convention No. 111. Convention No. 111 defines as discrimination, and expressly prohibits, any distinction, exclusion, or preference made on any basis that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. While public officials are generally entitled under the State Public Officials Act and the Local Public Officials Act to establish and join trade unions under the Public Officials' Union Act and to establish and operate workplace councils under the Public Officials' Council Act, civilian military employees are denied these same rights on the grounds that they are public officials in special service under the Ministry of National Defense, notwithstanding their status as national public officials. This differential treatment constitutes a violation of Convention No. 111, which the Government of the Republic of Korea has ratified.

4. Violation of the Collective Bargaining Rights of Civilian Military Employees

4.1. The Right to Collective Bargaining under ILO Convention No. 98

The right to collective bargaining guaranteed by Convention No. 98 refers to the freedom of labour and management, grounded in the principle of autonomous bargaining between the negotiating parties, to

determine the scope and content of matters subject to collective bargaining, and encompasses the exclusion of undue state interference in that process. [ILO Compilation, 2018, para. 1317.] Article 4 of Convention No. 98 further requires states to establish and meaningfully guarantee and promote the institutions and procedures necessary for free collective bargaining between employers and workers. The CFA has accordingly expressed the view that even in the case of collective agreements in the public sector, “public authorities should promote free collective bargaining and not prevent the application of freely concluded collective agreements, particularly when these authorities are acting as employers or have assumed responsibility for the application of agreements by countersigning them” [ILO Compilation, 2018, para. 1480].

Convention No. 98 excludes members of the armed forces and the police under Article 5 and, under Article 6, further provides for the exclusion of “public servants engaged in the administration of the State.” The CEACR has, however, adopted a strict interpretive approach to Article 6 as an exception to the general principle, providing that the determination of whether a public servant falls within that category must be made on a case-by-case basis, having regard to criteria related to the prerogatives of public authority. The CEACR interprets these prerogatives as duties that involve imposing rules or obligations on citizens, enforcing compliance, and imposing sanctions for violations [ILO, General Survey, 2012, para. 171].

In addition, CFA adopts an even stricter interpretation of the exception under Convention No. 98. In contrast to Article 1(2) of Convention No. 151 concerning labour relations in the public service, which allows domestic laws and regulations to determine the extent to which the Convention applies to “high-level employees whose functions are normally considered as policy-making or managerial” or “employees whose duties are of a highly confidential nature,” Convention No. 98 allows the right to collective bargaining to be denied “only to public servants working in the state administration” [ILO, Compilation, 2018, para. 1243]. The CFA has further expressed the view that even workers performing duties related to national security cannot be regarded as “public servants engaged in the administration of the State” within the meaning of Article 6 of Convention No. 98, unless their work involves the formulation of state policy capable of affecting national security [CFA, 343rd Report, Case No. 2292, para. 795 (United States.)], and that such workers must be fully guaranteed the right to collective bargaining protected by Convention No. 98.

Accordingly, the CEACR has established that public sector workers who do not fall within the category of public servants engaged in the administration of the State under Article 6 of Convention No. 98, should be afforded the full right to collective bargaining guaranteed by the Convention. In particular, the CEACR has held that public sector workers covered by Convention No. 98 must be able to bargain collectively on working conditions, including wages, and that even taking into account the particular characteristics of public services, those characteristics cannot justify negating the substantive function of collective bargaining or excluding the right to collective bargaining altogether [ILO, General Survey, 1994, paras. 262-263]. The CEACR has further emphasized that merely establishing a consultation procedure, rather than a substantive collective bargaining process, is insufficient for public servants who are not engaged in the administration of the State [ILO, General Survey, 2012, para. 171].

4.2. Application of Convention No. 98 to Civilian Military Employees

As public officials in special service who are not military personnel, civilian military employees perform noncombat support duties in areas such as administration, supply, transportation, facilities management, educational support, and research. Their duties do not bear the character of state administration in the sense of directly formulating state policy or directly exercising state authority. Civilian military employees therefore cannot be regarded as “public servants engaged in the administration of the State” within the meaning of Article 6 of Convention No. 98 and do not fall within the exclusion provided thereunder. Accordingly, civilian military employees must be fully guaranteed the right to collective bargaining protected by Convention No. 98.

4.3. Violation of the Right to Collective Bargaining under Article 4 of ILO Convention No. 98

In the Republic of Korea, civilian military employees are not guaranteed any right to collective bargaining. Excluded from the scope of the Public Officials' Union Act, they are unable to organise trade unions, and, being likewise excluded from the scope of the Public Officials' Council Act, they are afforded no legal mechanism through which to collectively consult on matters such as working conditions, service discipline, and grievance resolution. Given that civilian military employees are subject to greater service controls, command, and supervision than other public officials on the basis that they work within the military, they have an even more pressing need to collectively bargain or consult with the state regarding their working conditions, service terms, and treatment. Yet, unlike other public officials, they are guaranteed no institutional mechanism for collective bargaining and may instead face criminal punishment under the State Public Officials Act and the Military Criminal Act. The current laws and practices of the Republic of Korea thereby obstruct the guarantee and promotion of free collective bargaining for civilian military employees, in direct violation of Article 4 of Convention No. 98

The CFA has emphasized that “voluntary negotiation of collective agreements, and therefore the autonomy of the bargaining partners, is a fundamental aspect of the principles of freedom of association” [ILO Compilation, 2018, para. 1313]. One of the primary objectives of workers in exercising their right to organise is to bargain collectively their terms and conditions of employment. Prohibiting trade unions from engaging in collective bargaining is therefore contrary not only to Article 4 of Convention No. 98 but also Article 3 of Convention No. 87 [ILO, Compilation, 2018, para. 1234]. This is because repeated recourse to statutory restrictions on collective bargaining could, over time, weaken or deprive workers of the fundamental means of furthering and defending their economic and social interests [ILO, Compilation, 2018, para. 1422]. The laws and practices of the Republic of Korea that strip civilian military employees of the right to collective bargaining and expose them to criminal punishment accordingly constitute state interference with and obstruction of the right to organise, in violation of Article 3 of Convention No. 87.

5. State Sanctions Against Organizing Activities by Civilian Military Employees

5.1. Prohibition of State Interference with Trade Union Activities and Anti-Union Discrimination

Article 3 of Convention No. 87 provides that worker organisations shall have the right to organise their administration and activities and to formulate their programmes freely, and that public authorities shall refrain from any interference that would restrict this right or impede its lawful exercise. The CEACR has held that freedom of assembly and freedom of meetings constitute fundamental aspects of trade union rights, and that the authorities should refrain from any interference which would restrict or impede their lawful exercise. It has further held that the full exercise of trade union rights calls for a free flow of information, opinions, and ideas, and workers and their organisations should enjoy freedom of opinion and expression at their meetings, in their publications, and in the course of other activities [ILO, General Survey, 1994, paras. 35, 38]. The CEACR has further confirmed that workers’ organisations may use such means as meetings, protests, and the presentation of petitions in order to promote and defend the economic and social interests of their members [ILO, General Survey, 1994, para. 134]. Ultimately, information sharing, opinion gathering, public expression, and petition activities undertaken for workers’ occupational interests are, in principle, included within organizing activities protected by Article 3 of Convention No. 87. Freedom of association therefore includes not only the right to establish an organisation, but also the right of a workers’ organisation to engage in meaningful activities. Where workers are not permitted to establish a lawful organisation, subjecting even their voluntary efforts to gather, form collective opinions, and communicate those opinions externally for the purpose of improving their treatment and working conditions to criminal proceedings or investigations constitutes interference that impedes the effective exercise of freedom of association.

The CEACR has held that the arrest and detention without warrant of trade union leaders and members engaged in legitimate trade union activities constitutes a grave violation of the principles of freedom of association, and has further noted that the authorities should not use legitimate trade union activities as a pretext for arbitrary arrest or detention, and that the imposition of heavy criminal sanctions for violations of industrial relations legislation is likewise inappropriate [ILO, General Survey, 1994, para. 31]. The CFA has repeatedly confirmed that search and seizure operations and criminal proceedings cannot be used in a manner that impedes collective activities, and that the intervention of public authorities must be strictly limited [ILO, Compilation, 2018, paras. 121, 127, 129, 132]. Furthermore, where trade unionists are arrested or prosecuted in the course of assemblies or demonstrations, they should be entitled to refer the matter promptly to judicial authorities, with all guarantees of due process [ILO, General Survey, 1994, para. 35].

Article 1 of Convention No. 98 provides that representatives of workers' organisations and trade union officers should not suffer disadvantage by reason of their position. Protection from anti-union discrimination must extend to all workers, including members of unregistered trade unions [ILO, General Survey, 2012, para. 187]. In particular, among anti-union discriminatory acts, the dismissal of trade union representatives at the initial stages of unionization in a workplace might fatally compromise incipient attempts at exercising the right to organize, as it not only deprives the workers of their representatives, but also has an intimidating effect on other workers who could have envisaged assuming trade union functions or simply joining the union [ILO, Compilation, 2018, para. 1131]. Trade union officials should be protected from dismissal and other disadvantages, both during their term of office and for a certain period thereafter [ILO, Compilation, 2018, para. 1122]. Even where adverse measures are taken against a trade union officer on grounds of serious misconduct, the importance and nature of duties performed by a trade union representative and the demands inherent in that office should be taken into account in determining whether an offence was actually committed and in assessing its gravity [ILO, General Survey, 1994, para. 207].

Furthermore, Article 2 of Convention No. 98 provides that workers' organisations shall enjoy adequate protection against acts of interference by employers in their establishment, functioning or administration, so as to enable them to operate in total independence from employers in exercising their activities [ILO, Compilation, 2018, paras. 1187-1188]. The CFA has emphasized that respect for the principles of freedom of association requires that public authorities exercise great restraint in intervening in the internal affairs of trade unions; that employers refrain from acts of interference with trade unions, including encouraging workers to withdraw their membership or claiming that the establishment of a union is unlawful [ILO, Compilation, 2018, paras. 1193-1199]; and that workers be able to carry out their trade union activities and internal operations in accordance with the rules of their organisation without being required to account for each activity to their employer [ILO, Compilation, 2018, para. 1203].

In this regard, the CFA has noted that for remedies in cases of anti-union discrimination contrary to Convention No. 98 to be genuinely effective, they must be examined promptly. The CFA has held that excessive delays in the handling of anti-union discrimination cases, and in particular prolonged delays in concluding procedures relating to the reinstatement of dismissed trade union leaders, diminish in themselves the effectiveness of the remedy, and often lead to irreversible changes, and therefore amount to a denial of justice [ILO, Compilation, 2018, paras. 1144-1145].

5.2. Criminal Sanctions Against the Organizing Activities of the KSCME

The KSCME is a voluntary organisation established by civilian military employees to improve their treatment and protect their rights and interests. It collects views on matters concerning their working conditions, legal status, and protection of fundamental constitutional rights, shares relevant information, and advocates institutional reform.

Since 2022, the KSCME has engaged in legislative advocacy to amend laws and regulations that restrict the rights of civilian military employees, with the aim of securing treatment and labour rights consistent with

their legal status. The KSCME shared information regarding the poor treatment of civilian military employees and the unreasonable command and control to which they are subjected and requested that members of the National Assembly's National efence Committee pursue legislative action on issues affecting civilian military employees. It also brought these issues to the attention of the Military Human Rights Center and media organisations in order to promote broader public awareness.

From June through July 2023, the KSCME conducted a public petition campaign for the Bill on the Guarantee of Fundamental Rights and Improvement of Treatment for Civilian Military Employees. On July 24, 2023, it secured 50,000 signatures, enabling the bill to be formally submitted for legislative consideration. These activities were undertaken to inform various sectors of society about the realities of civilian military employees' working conditions and terms of service, to consolidate the views of civilian military employees in support of institutional reform, and to improve their legal status.

In the course of these activities, in December 2022, Son Dong-hwa, the head of the KSCME, received a request to help publicize a fundraising appeal for Justice Party lawmaker Bae Jin-gyo, who had actively advocated for improved treatment of civilian military employees. Son posted an online message asking that the request be shared with family members or acquaintances. Son also shared relevant documents in an online group chat involving personnel from the Military Human Rights Center and media organisations, while raising concerns about military guidelines restricting the use of mobile phones by civilian military employees.

However, the Government of the Republic of Korea brought charges of political involvement and divulgence of military secrets against the KSCME's activities, which were undertaken in the course of publicizing the treatment and service conditions of civilian military employees, and initiated criminal proceedings. After the 2023 public petition campaign, the KSCME continued its legislative advocacy in the National Assembly and publicly raised, through the media, issues concerning unreasonable orders and discriminatory treatment in the service of civilian military employees. On March 5, 2024, the Ministry of National Defense conducted a search and seizure operation targeting Son Dong-hwa, the head of the KSCME, on charges of political involvement, and on June 10, 2024, conducted a second search and seizure operation on charges of divulgence of military secrets. Following these two operations, on September 2, 2024, the Ministry of National Defense transferred the case against the KSCME's head to the 5th Ordinary Prosecutorial Division of the Air Force Prosecutors' Office.

The investigation then remained effectively dormant for over two years. After the KSCME formally launched through a founding press conference on February 10, 2025, and began public activities, including preparations on January 28, 2026, to file a complaint with the ILO Committee on Freedom of Association,[20] the 5th Ordinary Prosecutorial Division of the Air Force Prosecutors' Office filed an indictment against the KSCME's head, Son Dong-hwa, on April 8, 2026, more than two years after the investigation had begun, on charges of divulgence of military secrets and political involvement (with a trial date set for June 25, 2026, before the 4th Regional Military Court).

The KSCME had been communicating with National Defense Committee member Bae Jin-gyo in connection with legislative advocacy aimed at improving the treatment and labour rights of civilian military employees. In this context, Son Dong-hwa forwarded to a group chat of civilian military employees a video of Bae's parliamentary activities concerning the improvement of treatment for civilian military employees, as well as a post promoting support for the lawmaker. Son also shared the contents of military guideline documents with a military human rights organisation and the press in order to publicize the unjust treatment and legal status of civilian military employees.

The Ministry of National Defense determined that these acts were subject to criminal punishment on the grounds of political involvement and the divulgence of military secrets. However, in the complainants' view,

[20] Seoul Economic Daily, January 28, 2026 https://n.news.naver.com/article/011/0004583859

first, sharing a link to a video of a National Defence Committee member questioning the Government during a parliamentary audit about improving the treatment of civilian military employees was intended to inform civilian military employees about ongoing legislative discussions and amounted to nothing more than the sharing of information. Second, the post from lawmaker Bae Jin-gyo's office requesting support from the families and acquaintances of civilian military employees explicitly stated that civilian military employees themselves could not make donations. Merely forwarding this post to an online group chat therefore does not constitute political activity within the meaning of Article 65 of the State Public Officials Act, which prohibits "support for a specific political party" or "support for or opposition to a specific person in an election." Third, the military guideline document concerning restrictions on civilian military employees' personal mobile phone use had already been made public through media coverage on multiple occasions and therefore cannot be regarded as classified military information.

Although all of the charges brought against Son Dong-hwa under the Military Criminal Act arise from legitimate trade union activities undertaken to advance the occupational interests of civilian military employees, they have resulted in excessive criminal prosecution aimed at impeding the organizing efforts of civilian military employees.[21] The Government of the Republic of Korea prohibits civilian military employees from exercising the right to organise trade unions, treats as criminal offenses under the Military Criminal Act the collective activities through which they seek to consolidate their collective voice, bring their concerns to public attention, and advocate institutional reform in furtherance of their occupational interests, and imposes criminal sanctions for such activities.

The Government of the Republic of Korea further subjected civilian military employee Mr. Park to criminal prosecution under the Military Criminal Act on the grounds that he had "facilitated the solicitation of donations for a specific politician," after he shared, in a KakaoTalk (a widely used South Korean mobile messaging application) open group chat titled "Civilian Military Employee Treatment Improvement Group," a post promoting support for lawmaker Bae Jin-gyo, who had been engaged in legislative advocacy for improved treatment of civilian military employees, and posted a message encouraging civilian military employees' family members to offer their support. In May 2025, Mr. Park received a suspended sentence of four months' imprisonment and a one-year suspension of qualifications (a criminal penalty under Korean law suspending the offender's qualification to hold public office and certain civil rights). This case demonstrates that the Government does not permit civilian military employees even the most basic civil liberties in pursuit of their occupational interests. (Judgment of the 2nd Regional Military Court, May 13, 2025, Case No. 2024Go367; appeal dismissed, and judgment affirmed by the Seoul High Court, August 13, 2025, Case No. 2025No1352.)

In particular, the Ministry of National Defence has effectively impeded the activities of the KSCME by conducting search and seizure operations against its head and allowing the investigation to lie dormant for over two years while maintaining the threat of prosecution under the Military Criminal Act. When the KSCME became more active in 2026, the Government abruptly initiated indictment and criminal proceedings. This constitutes interference designed to characterize the collective organizing activities of civilian military employees as unlawful and to obstruct those activities, by exploiting the legal and institutional limitation that civilian military employees are not guaranteed the right to organise a trade union.

Furthermore, on May 6, 2026, the Personnel Management Committee for Civilian Military Employees convened to review the removal of Son Dong-hwa from his post on the grounds that criminal proceedings had been initiated against him under the Military Criminal Act. Were removal from post (a provisional suspension from official duties pending the outcome of criminal or disciplinary proceedings, distinct from dismissal) to be decided on the basis of ongoing military criminal proceedings, it would impose not only personnel and financial disadvantages, but also direct restrictions on Son Dong-hwa's external activities as the KSCME's head, given that removal from post would result in the denial of approval for the use of annual leave and for leaving the base. Should he leave the military base without obtaining such approval in order

[21] Hankyoreh, April 20, 2026 https://www.hani.co.kr/arti/society/society_general/1254996.html

to fulfil his unavoidable responsibilities as the KSCME's head, he would be subject to immediate arrest as a military deserter under the Military Criminal Act. This therefore imposes immediate and serious constraints on the operations of the KSCME and on the scope of organizing activities undertaken to improve the rights and treatment of civilian military employees. The Personnel Management Committee for Civilian Military Employees ultimately voted to reject the motion for Son Dong-hwa's removal from post. However, the motion may be reintroduced at any time depending on the outcome of the military court proceedings, leaving the KSCME's head in a precarious position in which his ability to carry out his activities remains subject to substantial and continuing practical constraints.

5.3. Violations of Article 3 of Convention No. 87 and Articles 1 and 2 of Convention No. 98 Against the Head of the KSCME

The CFA has established that the civilian staff working in the armed forces should enjoy the right to establish and join trade union organisations, as well as adequate protection against acts of anti-union discrimination, in the same way as public officials in other state institutions [ILO, Compilation, 2018, para. 349].

Operating group meetings or online group chats for civilian military employees aimed at improving their treatment, sharing relevant materials to gather opinions and generate public awareness, communicating with lawmakers' offices, military human rights organisations, and media outlets, and encouraging participation in public petitions and other efforts to build broader public support are all activities that constitute collective action undertaken to advance the economic and social interests, working conditions, and labour rights of civilian military employees. The fact that the KSCME's activities were subjected to two search and seizure operations, followed by a prolonged criminal investigation, referral to the prosecution, and ultimately indictment, demonstrates that the organizing activities of civilian military employees are exposed to direct state interference and surveillance. This impedes civilian military employees' ability to consolidate and publicly express their collective views on occupational interests, even absent any direct reference to their organizing activities. Such interference produces a deterrent effect that may extend across the entire civilian military employee workforce, ultimately discouraging collective action aimed at improving treatment and working conditions altogether. [ILO, General Survey, 1994, paras. 31, 35, 38, 134; ILO, Compilation, 2018, paras. 121, 129, 132]. Measures that impose criminal sanctions on civilian military employees for voluntary gatherings, group chat operations, or the activities of the KSCME on the grounds of political activity or divulgence of military secrets amount to more than a denial of freedom of association in form alone. They demonstrate that the state is, in practice, directly intervening in organizing activities themselves. Such measures are contrary to the right of organisations to organise their activities and formulate their programmes as guaranteed by Article 3 of Convention No. 87, and to the principle that public authorities must refrain from any interference with the lawful exercise of that right.

Furthermore, Articles 1 and 2 of Convention No. 98 require that workers shall enjoy adequate protection against acts of anti-union discrimination and that workers' organisations shall enjoy adequate protection against acts of interference. This protection extends not only to dismissal but to all adverse measures taken in the course of employment, including harassment and intimidation. [ILO, Compilation, 2018, paras. 1087, 1098.] The Ministry of National Defense, acting in its capacity as employer, applied the Military Criminal Act to the activities of the KSCME's head undertaken in furtherance of improved treatment for civilian military employees, conducted two search and seizure operations and a prolonged criminal investigation, and ultimately filed an indictment initiating criminal proceedings. These actions constitute direct adverse measures against an officer of a workers' organisation and amount to both anti-union discrimination and unlawful interference with a workers' organisation, in violation of Articles 1 and 2 of Convention No. 98.

This case is particularly serious in that it involves not only the outright prohibition of the lawful establishment of trade unions by civilian military employees, but also the criminalization and punishment of collective expression of views and media activities conducted through the KSCME in furtherance of occupational interests. The CFA has previously requested the Government of the Republic of Korea to ensure that public

officials and their trade unions are able to express their views publicly on the wider economic and social policy matters that directly affect their occupational interests.[22] In a recent case involving Korean Public officials' Union, which conducted a membership-wide referendum on public policy matters affecting members' occupational interests and carried out public outreach activities, the CFA recommended that the Government permit the union to publicly express its views on social policies directly affecting its members' occupational interests, unless the activities in question are clearly of a purely political nature. The CFA has noted that, when workers' organisations make occupational demands, a clear distinction between what is political and what is socio-economic in character is difficult to draw and these two notions can overlap, and that union activities should therefore not be interpreted restrictively or denied merely on account of their political character.[23]

Civilian military employees, as civilian public servants rather than military personnel, must likewise be able to collectively express their views and engage in collective bargaining on the institutions and policies that directly affect their working conditions and treatment. The Government of the Republic of Korea has, however, failed to establish any institutional mechanism for collective bargaining for civilian military employees, whether in the form of a dedicated body or a procedure. Furthermore, the Government is actively exerting pressure on the activities of the KSCME by applying criminal sanctions to media disclosures and legislative advocacy activities through which civilian military employees have sought to collectively gather and communicate their views in furtherance of their occupational interests, and by pursuing not only search and seizure operations and criminal investigations, but also indictments and criminal trial proceedings. Categorically prohibiting all activities through which civilian military employees collectively form and express views on the institutions and policies that directly affect their working conditions and treatment, and subjecting such activities to criminal investigation and prosecution, constitutes a direct violation of freedom of association and the right to organise that cannot be justified under any circumstances.

6. Conclusion

Despite ratifying ILO Conventions Nos 87 and 98 in April 2021, the Government of the Republic of Korea has failed to align its domestic laws and institutional frameworks with international standards to guarantee civilian military employees' freedom of association and right to collective bargaining. Civilian military employees are public servants with civilian status, and their legal standing is distinct from that of military personnel. Nevertheless, they are categorically excluded from the scope of both the Public Officials' Trade union Act and the Public Officials' Council Act, thereby denying them any institutional means through which to exercise their rights to organise and to bargain collectively.

Despite their civilian status, civilian military employees are unjustly required, on the basis that they work within the military, to perform duties properly belonging to military personnel, including combat training, the carrying of firearms, and the wearing of military uniforms and equipment. They are also subjected to service controls equivalent to those imposed on military personnel, including hair length regulations, physical fitness testing, and military discipline patrols, none of which bears any relation to the duties they are actually assigned to perform. Because civilian military employees are denied freedom of association and collective bargaining rights, their working conditions and service discipline are determined unilaterally by the State. Consequently, unlike military personnel and other public officials, they are unable to secure any meaningful improvement in the discriminatory treatment to which they are subjected.

Furthermore, the Government treats the organizing activities of civilian military employees as criminal offenses under the State Public Officials Act and, on the basis that they work within the military, applies the Military Criminal Act to civilian military employees, notwithstanding their civilian status. In doing so, it treats

[22] ILO CFA 346th Report (2007), Case No. 1865 (Republic of Korea), para. 749
[23] ILO CFA 355th Report (2025), Case No. 3457 (Republic of Korea), paras. 599~601, 620

activities undertaken by the KSCME in furtherance of civilian military employees' occupational interests as military crimes subject to military court proceedings. These legal and institutional restrictions, together with the criminal sanctions imposed on organizing activities pursued for the occupational interests of civilian military employees, constitute violations of Articles 2 and 3 of Convention No. 87 and Articles 1 and 2 of Convention No. 98.

The complainants therefore request that the ILO Committee on Freedom of Association investigate the above conduct of the Government of the Republic of Korea and issue recommendations on the following matters.

First, the Government should amend relevant laws and regulations, including the Public Officials' Union Act and the Public Officials' Council Act, to ensure that civilian military employees are effectively guaranteed the rights to organise and bargain collectively in accordance with Conventions Nos 87 and 98. Second, the Government should revise laws and regulations governing service rules, including the State Public Officials Act, the Military Criminal Act, the Framework Act on Military Status and Service, and the Act on the Personnel Management of Civilian Military Employees, so as to ensure that collective activities undertaken in furtherance of the occupational interests of civilian military employees are not exposed to the risk of criminal punishment, disciplinary action, or other adverse personnel measures. Third, with respect to the activities of the KSCME, the Government should review the military trial proceedings against Son Dong-hwa, the head of the KSCME, provide effective remedies for the criminal sanctions imposed, and take the necessary measures to prevent the recurrence of similar search and seizure operations and military criminal sanctions in the future. The complainants respectfully request that the foregoing matters be included in the Committee's recommendations.